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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,765	10/22/2001	Tatsuo Kaizu	275743US6	3313
22850	7590	07/09/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				SHANG, ANNAN Q
ART UNIT		PAPER NUMBER		
		2424		
NOTIFICATION DATE			DELIVERY MODE	
07/09/2009			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,765	KAIZU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANNAN Q. SHANG	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments/amendment with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action mailed on 02/05/09, Applicant amends the claims and further argues that the prior art of record does not teach the amended claims limitations (see page 7+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Ellis further discloses that RAD-24, may be any suitable personal computer (PC), portable computer, notebook computer, palmtop computer, display remote, touch-screen remote....(personal digital assistant (PDA), etc. ([0092]), directly access the recording apparatus to set recording of a program by the recording apparatus by accessing a remote program information providing server (program provider) through the Internet (Wed Server) based on a user request to access the remote program

information providing server (figs.3 and 4, [0087-0088], [0092-0100] and [0195-0196]), note that the RAD-24 is also a remote control that can directly access the recording apparatus and communicate (Internet) to a service provider via a Web server. Hence the amended claims do not overcome the prior art of record. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This office action is non final.**

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al (2005/0028208).**

As to claim 1, **Ellis** discloses an information processing system, comprising: a recording apparatus; a personal computer configured to access the recording apparatus;

A personal computer (Server 80, figs.1-4 and 31+) configured to directly access the recording apparatus to set recording of a program by the recording apparatus by

accessing a remote program information providing server through the Internet based on a user request to access the remote program information providing server (figs.3 and 4, [0087-0088], [0092-0100] and [0195-0196]), note that the RAD-24 is also a remote control that can directly access the recording apparatus and communicate (Internet) to a service provider via a Web server;

an information processing apparatus (Remote Access Device 'RAD' 24, [0092-0094]) comprising: control means including, user controlled mobile telephone or personal digital assistant for acquiring, without accessing the personal computer or the recording apparatus, control information for controlling preset recording of a program by accessing a remote program information providing server through the internet based on a user request to access the remote program information providing server, (figs.1-3, [0018-0019], [0025-0026] and [0071-0077], [0087-0088] and [0099-0100])

Conversion means for converting contents described in said control information acquired by the mobile telephone or personal digital assistant into code information for setting said program preset recording to the recording apparatus, which is remote from the control means ([0018-0019], [0071-0077], [0087-0088] and [0099-0100]); and

Transmission means for receiving said code information from said conversion means and for transmitting said code information obtained by said conversion means directly to said recording apparatus under control of said control means; the recording apparatus receiving said code information from said transmission means, confirming whether said code information properly sets said program preset recording, and displaying whether said program preset recording is proper or improper ([0018-0019],

[0071-0077], [0087-0088] and [0099-0100]).

As to claim 2, Ellis further discloses where the code information acquired by the acquisition means is G-code, information ([0067], [0120], [0130], [0158 and [0165]).

As to claim 3, Ellis further discloses where the transmission means transmits the code information to the recording apparatus by use of an infrared signal ([0018-0019], [0071-0077], [0087-0088] and [0099-0100]).

As to claim 4, Ellis further discloses where control information includes broadcast channel information, broadcast date, broadcast start time, and recording end time of said program ([0018-0019], [0071-0077], [0087-0088] and [0099-0100]).

As to claim 5, the claimed “An information processing method for use in a system including a personal...” is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 6, the claimed “A program storage medium storing a computer-readable program...” is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 7, the claimed “An information processing system, comprising...” is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 8 is met as previously discussed with respect to claim 2.

Claim 9 is met as previously discussed with respect to claim 3.

Claim 10 is met as previously discussed with respect to claim .4

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANNAN Q. SHANG** whose telephone number is **(571)272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative or access** to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/  
Primary Examiner, Art Unit 2424

**Annan Q. Shang**

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